

91.

The CASE of Divers Creditors OF King CHARLES I.

TOUCHING

Some CROWN-LANDS, Conveyed by the said King;
to Trustees, for Payment of their Debts;

WITH

Reference to the Bill for the Quiet of the Subject against Concealments.

- S**IR *Allen Apsey*, being one of the Surveyors-General for Marine Causes, in the Reign of King *Charles I.* and pretending that there was due to him, and his Creditors 40000 *l.* from the King, for Provision of Victuals for the Fleet, Petitioned the King on the Behalf of himself, and Creditors, That an Assurance might be given of Land, for Satisfaction of 20000 *l.* Part of their Debt: And thereupon obtained a Grant from the Crown, to *White, Steventon, and Perkins*, and their Heirs (in Trust for Sir *Allen Apsey*) of the Mannor of *Newington-Barrow*, alias *Hiberry*, and divers other Mannors and Lands, which are now of very great Value; which Grant was obtained upon a false Suggestion, Sir *Allen Apsey* being then in Arrear to the Crown above Two Hundred Thousand Pounds.
- 15 Septem. 1629. It appearing that the Creditors did remain unsatisfied, and that Sir *Allen Apsey* was Debtor to the Crown, as aforesaid, it was ordered in Council, that the Attorney-General should take Course to Levy the said Arrears, due to the Crown upon the Premises, and all Sir *Allen's* Estate; and that the Money should, in the first Place, be applied for Satisfaction of the Creditors: And some Proceedings were had thereupon; but the War breaking out, all Things rested 'till the Return of King *Charles II.*
- 3 Novemb. 1637. The Creditors, by Petition, representing their Case to the *House of Commons*, it was referred to a Committee, who, after a full Examination of the Matter, making their Report, a Bill was brought into the House, for vesting the Mannor of *Newington*, &c. in the Creditor, for, and towards their Satisfaction, and the Surplusage to the King; but the Parliament being soon after Prorogued, nothing further was done.
- 20 October 1669. By an Order of Council, made upon the Petition of the said Creditors, it was referred to the Lords Commissioners of the Treasury, to Examine the said Matters, and to do all things expedient for Satisfying the Creditors, and getting back the said Land to the Crown: Whereupon the Lords of the Treasury referred it to the Surveyor-General, and Attorney, who Certified, 'That some speedy Course ought to be taken for Satisfying the Creditors out of the said Lands, and the Over-plusage to be to the King.'
- 5 August 1687. Upon the Petition of *Thomas Baker*, Esq; to the late King *James*, it was referred to the Lords of the Treasury, who referred it to *Graham and Burton*, to State the Fact; who accordingly made their Report: But the Revolution soon after hapening, nothing further was done.
- 22 Decem. 1690. Upon the Petition of the said Mr. *Baker*, who offered at his own Cost and Charges to Vacate the said Grant, and to pay and satisfy the said Creditors, (more than One Hundred Families) who were grievously oppressed for Want of their Money, and to put His Majesty in Possession of the Surplus of the said Land, in Case the Petitioner might have a Lease of the Moiety thereof for 99 Years, under the Rent of a Pepper-Corn, by Way of Recompence for his great Trouble and Charge: It was referred to the then Solicitor-General, now Lord-Chancellor, to certify a true State of the Fact, together with his Opinion what was fit to be done.
- 24 March 1697. The Solicitor-General certified a State of the Case; and that, in his Opinion, some effectual Course ought to be taken, that the Creditors might be satisfied, and the Crown no longer kept out of the Surplus.
- That Length of Time ought to be no Objection, there having been, as it were, a continual Claim made, tho' by Accidence of the Time, nothing had been done effectually.
- That the Grant made to the Patentee might be avoided, being obtained upon a false Suggestion of Sir *Allen Apsey*, and the King deceived in his Grant: And if the Grant was Valid in Point of Law, it was a Trust for the Creditors so far as 20000 *l.* and for the Crown as to the Surplus.
- And that he thought the Terms proposed by the Petitioner were not unreasonable: But Mr. *Baker* dying, nothing farther was done.
- The only Remedy the said poor Creditors (being above One Hundred Families) have for the Recovery of the said Lands, and Satisfaction of their Debts, is by Suit in the King's Name: Which by the Bill for the General Quiet of the Subject against Concealments, &c. will be entirely taken away.
- The said Lands being Conveyed by the said King upon valuable Consideration, as a Security for Payment of His just Debts: And the said Lands being sufficient to satisfy them, with a very great Overplus to the Crown, 'tis humbly hoped, This most Honourable House will admit of a Proviso to be annexed to the said Bill, saving to the said Creditors such Remedy as they now have for Recovery of the said Lands.